

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 15907 of 2004

Between:

Shaik Allavuddin S/o Kamal Bude,
r/o Turakapalem Machavaram Mandal, Guntur District

..... PETITIONER

AND

- 1 Mandal Revenue Officer, Machavaram Mandal Machavaram, Guntur District
- 2 Collector, Civil Supplies, Guntur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other Writ or order declaring the action of the respondents in not releasing the stocks in my favour (Petitioner) for distribution to the card holders as illegal and arbitrary and consequently direct the respondents to release the stocks in Accordance with law

Counsel for the Petitioner: MR.N.SUBBA RAO

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

Admittedly, petitioner was appointed as Fair Price Shop dealer on temporary basis for the period from 01.07.2004 to 30.09.2004. This writ petition was filed on 03.09.2004 alleging that the first respondent had not released the stocks in spite of the fact that the authorisation of the petitioner is subsisting. This Court while directing notice to the respondents, by order dated 07.09.2004 directed the respondents to release the stocks to the petitioner for distribution to the card holders, if the petitioner is holding valid authorisation and the same is subsisting as on that date.

Today, when the matter is taken up for consideration, the learned Government Pleader for Civil Supplies, under instructions, states that the respondents have released the stocks to the petitioner for the month of September, 2004, however since the authorisation is valid only up to 30.09.2004, the petitioner is not entitled for release of the stocks for further period.

A perusal of the order of the Revenue Divisional Officer, Narsaraopet

dated 08-07-2004 shows that the petitioner was permitted to continue as a temporary dealer from 1-7-2004 to 30-9-2004. However, the learned counsel for the petitioner states that the petitioner made an application for renewal of the authorisation and the same is pending with the respondents. If that be so, it is always open to the respondents to consider the said application in accordance with law.

Accordingly, the writ petition is disposed of making it clear that so long as the petitioner is holding a valid authorisation, the respondents are bound to release the commodities to him. It is also made clear that this shall not preclude the petitioner to institute fresh proceedings in case necessity thereof arises. No costs.

29-09-2004

klp

To

- 1 Mandal Revenue Officer, Machavaram Mandal Machavaram, Guntur District
- 2 Collector, Civil Supplies, Guntur

3 2CCs to G.P. for Civil Supplies, High Court buildings,
Hyderabad.(OUT).

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